

In re Application of.:

Serial No.: 10/771,440

Filed: February 5, 2004

Confirmation No: 3178

Group Art Unit: 1643

Attorney Docket: 26003

Examiner: Bradley Duffy

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the United States Patent and Trademark Restriction Office Action mailed January 15, 2010, which response is being made on February 15, 2010, and for which no extension of time fees are due.

With respect to the species requirements, Applicants select:

Morphological Abnormality; **Species B**; a high nucleus to cytoplasm (N/C) ratio;
Chromosomal Abnormality; **Species A**; polyploidy of chromosome 3.

It is believed that claims 72, 73, 82-90 read on the elected species of which claims 72, 73, 82-86 are generic, claims 87 and 88 recite the elected species B (high nucleus to cytoplasm ratio), and claims 89 and 90 recite the elected species A (polyploidy of chromosome 3).

Applicants reserve the right to file, at a later date, additional divisional applications claiming priority from the present application which are directed to the non-elected Species.

Respectfully submitted,
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